

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Houghton et al.	
Application No.: 09/996,128	Group Art Unit: 1642
Filed: 11/27/2001	Examiner: A Harris
Title: Compositions for Treatment of Melanoma and Method of Using Same	Confirmation No: 3698
Attorney Docket No.: MSK.P-026-3	
Customer No.: 52334	

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

RESPONSE TO FINAL REJECTION

Dear Sir:

This is in response to the Office Action mailed December 27, 2006 for the above-captioned application. Reconsideration and further examination are respectfully requested.

The examiner refused to withdraw the restriction requirement and consider Seq. ID No. 2. The Examiner has also failed to present any showing that "the sequences present unusual complications." as required. Thus, Applicants are filing a petition for review of the restriction requirement, and have not canceled the non-elected claims.

Claims 20-23, 29 and 30 stand rejected under 35 USC § 103 as unpatentable over the combination of Zhai et al in view of US Patent No. 5,773,291 and US Patent No. 6,080,727. Applicants again traverse this rejection.

The Examiner states that the Zhai reference teaches "a method of inducing specific T cell immunity for mammalian **metastatic** melanoma ... The administration was successful rendering a protective affect against murine **metastatic** melanoma. ... [T]he successful **metastatic** melanoma treatment presented in the entire article from 1996 establishes this treatment is well known" (Office Action, Page 4). In each of these instances, the Examiner refers to the melanoma of Zhai et al. as a metastatic melanoma, yet it is not so-described anywhere in the Zhai reference.

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